

## TO REBUT ORCHARD'S STORY

## HAYWOOD LAWYERS SEEM TO HAVE PLAN VAGUELY OUTLINED.

Seek to Show That When Orchard Says the Federation's Funds Were for His Disposal He Couldn't Pay Rent and Buy a Sheep—Still Unable to Tangle With Witnesses.

ROSE, June 11.—Further cross-examination of Harry Orchard to-day disclosed new lines along which the defense in the Haywood murder trial will be developed.

An attempt will undoubtedly be made to prove that at various times when Orchard says he was regularly getting money from Meyer, Haywood and Pettibone in return for crimes he had committed he was really broke—so near broke that he had to move out of places where he lived because neither he nor Steve Adams could pay the rent. Orchard repeatedly denied that this was true.

Once when he lived with Adams in Denver in the spring of 1906 he said they moved, but it was not because they were broke but because Billy Altkman, who lived with them, had got himself arrested and told where he lived, and Adams and he were afraid that the authorities would come up and arrest them for the blowing up of the Independence station.

Witnesses will surely be produced to show that the reason Adams and Orchard moved was because they did not know what to do when the rent came round; that they had few and cheap clothes and that at times they were hard pressed to get enough to eat.

ONCE STOLE A LIVE SHEEP.

Orchard admitted that once he and Adams went to the stock yards and stole a live sheep, which they butchered in the cellar.

But you say you could get money at any time from Pettibone or Haywood. Was it easier to steal than to ask them for money?

"It was easier to ask them for money," said Orchard promptly.

The more one sees of Harry Orchard, the deeper grows the riddle of this man. It may be that Warden Whitney, who has been his keeper for nearly a year and a half, understands this strange creature, and it is possible that the inscrutable McParson does. But he is a mystery to all the lawyers, who have come in contact with him and to everybody who has seen and heard him day after day in the court room.

Even counsel for the defense admire the man's intellectual qualities and he grows stronger as the cross-examination goes on.

To-day he was at his best so far. At no time was he in the least uncomfortable. Always in complete control of himself, he answered every question with the utmost freedom and with every appearance of frankness.

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It was plain to everybody in the court room that he saw the drift of every question before it had left the lawyer's lips. The hearing of every point upon the whole structure of his story was perfectly clear to him before it had been completely voiced.

Nor did Orchard succeed any better in his heretofore in getting Orchard to subscribe to Richardson's attempts to testify. The witness knew precisely what he intended to swear to and not one jot or one tittle more would he stand for or not the most persistent or subtle attempt could induce him to budge from the mental attitude he had taken in advance.

For example, in discussing what happened to Fred Bradley when he was blown up, November 13, 1904:

Q. Well, you said that Bradley was blown up in the middle of the street? A. No, sir, I did not.

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Q. Well, what did you say? A. I said that he was blown up in the street.

Mr. Richardson—Oh, very well.

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"Oh, you did!" exclaimed the lawyer in the accents of triumph. "Well, will you tell the jury why it was that you were accepting this relief when all you had to do to get more money, as you testified, was to ask Haywood or Meyer or you could get it whenever you wanted it?"

"Yes, sir, I will," answered the witness.

"Well, tell them, then."

"I took the relief," said Orchard, shooting the words from his mouth as if he were afraid he would be stopped, "because Pettibone and Haywood said it would look queer if I were spending money around there and not drawing relief like the rest of the union men."

Richardson changed the subject at once. When they came to the subject of the attempts on Gov. Peabody's life Orchard said Haywood urged him to kill the Governor because, he said, if Peabody remained Governor organized labor might as well have the State.

"Don't you know," demanded Richardson at the top of his voice, "that at that time Mr. Haywood was openly saying in public addresses that he would as lief kill Peabody Governor as Alvah Adams?"

"Yes, I know he was saying that openly, but he was talking very different to Steve Adams and me."

"Don't you know that Haywood always referred to public to Alvah Adams as the helpless Governor?"

He used to say lots of things in public that he didn't say to us," was the way Orchard disposed of this address to the jury.

Well, you didn't advise these things until after you met McParson did you?

I never advertised 'em at all until after I made up my mind to quit that business and do what was right," retorted Orchard earnestly.

Richardson dropped that lead, too, without the slightest hesitation.

A CLUE TO ORCHARD'S MOTIVE.

This was the nearest that Orchard has yet come in court to saying that his confession is the result of a desire to turn his back on evil and square things up as best he can. He made another remark along the same line a little later. Richardson had asked him how it was he didn't succeed in shooting Judge Gabbert. Orchard said he didn't have a good enough chance.

"Why didn't you knock on his door and then run back to the gate and shoot him when he opened the door?" demanded the lawyer.

"That was too cowardly," said Orchard.

You never allowed anybody to call you

a coward in those days, did you?" suggested the cross-examiner.

"I call all the things I used to do very cowardly," said the witness.

Richardson proceeded to ask a number of questions like some he had asked the day before. The theory of defense on which they are propounded. The very asking of them indicates, in the absence of proof to the contrary, that the man who asks them must be getting his information from somebody who at one time must have been very close to Harry Orchard, the self-confessed murderer and assassin. Here, for example:

Q. In the spring of 1905 didn't you tell Max Malich you'd like to put powder under a boarding house where 150 scabs were living in Globeville and blow them all up? A. No, sir, I did not. Max Malich tried to get me to do it.

Q. You tried to get Max Malich into that proposition, didn't you? A. No, sir, I did not. He tried to get me into it.

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"Well," Orchard explained, "Mr. Haywood said that he kind of admired Judge Campbell. He always knew where to find him anywhere. He said he was always against them."

It seemed very strange to Mr. Richardson that when Adams and Orchard were trying to blow up Peabody by placing a bomb near the sidewalk along which the Governor used to walk on his way to the Capitol they should have placed the bomb in the morning in broad daylight instead of in the dark. It seemed odd to other folks too, until Orchard explained that this was done because if the bomb had been placed there so long before the Governor came along it would probably have been frozen by the time he came along and could not have exploded.

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